

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

No. CR S-96-00088 GEB DAD P

vs.

CALS IFENATUORA,

Defendant/Movant

ORDER

Before the court is movant Cals Ifenatuora's motion for writ of error coram nobis. Therein, movant claims that he received ineffective assistance from his trial counsel. In opposing the motion, respondent argues that movant's claim is untimely and without merit. Movant's appointed counsel has filed a traverse on his behalf.

On June 10, 2011, the court set this matter for oral argument on Tuesday, June 21, 2011 at 10:00 a.m. in Courtroom 27. The parties have informed the court that they are unavailable on that date and conferred with the undersigned's courtroom deputy regarding available dates. Accordingly, the court now sets this matter for oral argument on Wednesday, August 3, 2011 at 8:30 a.m. in Courtroom 27. The court requests that counsel be prepared to address: (1) whether an evidentiary hearing should be held with respect to petitioner's ineffective assistance claim; (2) whether the current record before the court is adequate to allow

1 determination of whether petitioner has provided valid or sound reasons for his failure to attack
2 the conviction in this case earlier than April 26, 2010, particularly his failure to do so during the
3 period from March of 2003 until the filing of the motion for writ of coram nobis¹; and (3) any
4 other issues counsel believe would aid in the resolution of the pending action.

5 IT IS SO ORDERED.

6 DATED: June 15, 2011.

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9 DALE A. DROZD
10 UNITED STATES MAGISTRATE JUDGE

9 DAD:6
10 ifenatuorah96cv0088.hrgent

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¹ It was in March of 2003 that petitioner failed to appear at a removal hearing and was ordered removed in absentia for the first time.